State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

<u>Form Instructions</u>: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

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Requesting Department's Contract		John Smith		Office/Division/Program of Contract Administrator:		The state of the s	DHHS/OSAMHS
Administrator:							
THE PARTY OF THE P	Contract Amount:	\$ 90,0000		The state of the s	act or RQS Numb	er:	CT - 10A - 2016xxxxxxx
Proposed Start Date:		1/1/2016			sed End Date:		12/31/2016
		XYZ Inc.					12/01/2010
		Boston, MA	MA-CARCON CONTROL SECTION OF				
Short Description							
	ood or Service:	Training Unit	s & Consultation				
Plea	se note, for transpare	ency purpose	es, Waivers of		To be completed	by th	he Division of Purchases
Competitive Bidding will be publicly			posted. Public Posting dates on		Posting dates on D	Division of Purchases' website:	
postings are placed on the Division			of Purchases' website		From:	To:	
for a period of seven consecutive ca			enuar uays.			101	
Notice of Intent to Waive Competiti			Bidding Numb	er:	NOI#:		
1. 5	Statutory Justification	1					
							the specific reasons listed
belov	v. Please mark the app	ropriate box ()	X) next to the jus	tificatio	on which applies to t	this sp	ecific request.
	A. The procurement	of goods or ser	rvices by the Stat	e for co	ounty commissioner	s purs	uant to Title 30-A, section
	124, involves the	expenditure of	\$2,500 or less, a	nd the	interests of the Stat	te wou	ıld best be served;
	B. The Director of the	Bureau of Ge	eneral Services is	authori	zed by the Governo	r, or th	he Governor's designee, to
	make purchases without competitive bidding because, in the opinion of the Governor or the G designee, an emergency exists that requires the immediate procurement of goods or services						
	If citing the above jus						nnee there is an emergency
	for this Waiver of Com	Potitio		this no	n-competitive procu	remer	nt.
	Bidding request, pleas	a have the	Signature:				
		e nave the	3	NIA			
	requesting Departmen	nt's	.	N/A			
	requesting Department Commissioner or Chie	nt's f Executive		N/A		Date:	
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Please note that the following four points below (#2 through 5) all require a response.

2. Description of Specific Need

Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

The ABC Model Training & Consultation Program (ABC Program) is needed to carry out a portion of the 123 Initiative Grant, which was awarded to the State by the federal government. Consultants specializing in the ABC Program, and employed by XYZ, Inc., will provide training units to agency personnel on ABC guidelines and associated practices. The ABC Program is a transition process implemented for youth ages 14-29, who are experiencing emotional/behavioral difficulties which impact their transition to adulthood.

State of Maine statute (34-B MRSA §6204(1)(A)) directs the Department of Health and Human Services to strengthen the capacity of families, natural helping networks, self-help groups and other community resources to support and serve children in need of treatment. Family organizations and youth peer programs are a critical component of these community resources and they have the ability to offer advocacy and family guidance and counseling (Parts (1)(C)(1) and (1)(C)(6) of the aforementioned statute), family education and training (34-B MRSA §1801(2)(R)), as well as self-help, peer support, and information and referrals.

3. Availability of other Public Resources

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

Staffing and expertise related to these services currently do not exist within state government or other public resources. In determining this, the Department communicated with other state departments, local agencies, and federal agencies that share similar missions to the Department and would most likely have the need for services such as these.

4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

The Department had determined that the cost of these services is fair and reasonable. This conclusion was reached through DHHS contacting other recipient states of the 123 Initiative Grant who have also contracted for these services. The Department confirmed that all other recipient states are using XYZ, Inc. -- the vendor identified in this request – at the same contracted rates and costs that the State of Maine has been offered. Those contracts were used as a basis for the state's contract negotiations with the XYZ, Inc. in determining Maine's contract amount. The other recipient states that were identified for this analysis are New Hampshire, Vermont, Massachusetts, Iowa and South Dakota.

5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

The Department will continue to follow the 123 Initiative Grant requirements. Should another transition model, other than the ABC Program, be approved that is non-proprietary, or if this model and services become available via multiple vendors, the Department will obtain these services by the most appropriate means, including a competitive process such as releasing a RFP.

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Please note that <u>only one</u> of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.

6. Uniqueness

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The ABC Model Training & Consultation Program (ABC Program) is the approved transition model for the 123 Initiative Grant. The ABC Program is proprietary and only available through XYZ, Inc.

The ABC Program is the only evidence-supported practice that has been shown to be effective in improving the progress and outcomes of youth and young adults with emotional/behavioral difficulties. XYZ, Inc. developed the ABC model and is the purveyor of the ABC Program. XYZ, Inc. collaborates with community agencies across North America to provide effective training and customized consultation to achieve the sustainable implementation of evidence-based practices. XYZ, Inc. is also responsible for defining and applying the certification standards for the implementation and sustainability of the ABC model.

When the Department contacted the other recipient states of the 123 Initiative Grant to help in determining contract costs, it was also confirmed all of those states were using the ABC Model Training and Consultation Program.

7. Timeframe

Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

This request for a non-competitive contract is based on the identified vendor's uniqueness in providing the requested services. It is not based on an urgent "timeframe" requirement.

Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding. One Q. Commissioner
Printed Name:	Jane Q. Commissioner
Date:	6/12/2015